

# **Cabinet Member for Housing and Planning**

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**Date of Meeting: 17 October 2016**

**Report of: Director of Planning and Sustainable Development**

**Subject/Title: Local Development Scheme**

**Portfolio Holder: Councillor A Arnold, Cabinet Member for Housing and Planning**

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## **1. Report Summary**

- 1.1. This report invites the Cabinet Member for Housing and Planning to agree an updated Local Development Scheme which will identify the documents that the Council intends to prepare as part of its Local Plan, and the timescale for their preparation.

## **2. Recommendation**

- 2.1. That the draft, updated Local Development Scheme, appended to this report, is approved and published.

## **3. Other Options Considered**

- 3.1. There are no other options. A Local Development Scheme is a legal requirement under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

## **4. Reasons for Recommendation**

- 4.1. As noted in Section 3, above, a Local Development Scheme is a legal requirement. An updated Local Development Scheme will also demonstrate to the Inspector conducting the Local Plan Strategy examination, and others, that the Council is committed to progressing and adopting all parts the Local Plan in a timely manner.

## **5. Background/Chronology**

- 5.1. A local planning authority must set out the timetable for producing or reviewing its Local Plan in its Local Development Scheme. This is a legal

requirement under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

- 5.2. A Local Development Scheme must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically and kept up-to-date. Councils must also report progress against it.
- 5.3. Appended to this report is a draft, updated Local Development Scheme for Cheshire East. It provides the starting point for local communities, businesses, developers, service and infrastructure providers and other interested parties to find out what Local Plan documents are proposed and the timetable for their preparation.
- 5.4. The Cheshire East Local Plan is proposed to be developed in three parts. These are:
  - the Local Plan Strategy which establishes the overall strategy for the borough's sustainable development, including housing and employment targets and strategic site allocations;
  - the Site Allocations and Development Policies Document (SADPD), setting out more detailed development management policies and smaller-scale site allocations, where required; and
  - the Minerals and Waste Development Plan Document (MWDPD) which will include policies for dealing with Minerals and Waste and identify specific sites.
- 5.5. The Local Plan will be supported by a Policies Map which will show how policies will apply across the area.
- 5.6. The Local Plan Strategy is currently at examination. It is envisaged that the Plan will be adopted during the second quarter of 2017, although this is dependent on the timing of public consultation on the Inspector's draft Main Modifications to the Plan and receipt of the Inspector's Report with his final, recommended Main Modifications.
- 5.7. The timetables for the SADPD and MWDPD envisage their adoption by the end of 2018. This will be preceded by evidence gathering, extensive public consultation and independent examination.

## **6. Wards Affected and Local Ward Members**

- 6.1. All wards are affected by the Local Plan.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- The Local Plan is central to the Council's ambition to achieve sustainable development.

### **7.2. Legal Implications**

- A Local Development Scheme is a legal requirement under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

### **7.3. Financial Implications**

- The costs of Local Plan preparation are funded from the Planning base budget and a Planning earmarked reserve for 2016-17. Requests for an additional £1m for both 2017-18 and 2018-19 have been made which will be considered through the normal budget setting process.

### **7.4. Equality Implications**

- Local Plan documents will be informed by an Equalities Impact Assessment which is most likely to be integrated into the Sustainability Appraisal of the documents.

### **7.5. Rural Community Implications**

- Local Plan documents will be informed by rural proofing.

### **7.6. Human Resources Implications**

- There are no additional HR implications arising from this report.

### **7.7. Public Health Implications**

- Achieving and maintaining good health is an important objective that runs through the Local Plan Strategy and will continue to run through other Local Plan documents.

## **8. Risk Management**

- 8.1. Risk management will be integral to the process of preparing Local Plan documents. Such risks will include compliance with legal and procedural requirements and the potential for circumstances to change during the preparation of Local Plan documents e.g. the emergence of new or revised national planning policy or guidance.

## **9. Access to Information/Bibliography**

- 9.1. A copy of the draft, revised Local Development Scheme is attached.

## **10. Contact Information**

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## Appendix

### Draft Revised Cheshire East Local Development Scheme 2016-18



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## 1 Introduction

**1.1** This is the fifth Local Development Scheme, which sets out a programme and timetable for the preparation of documents for the Cheshire East Local Plan during the period 2016 to 2018.

## 2 The Proposed Cheshire East Local Plan

**2.1** The Local Plan will (together with any Neighbourhood Development Plans that are 'made') be the Development Plan for Cheshire East, and its policies will form the basis for planning decisions in the Borough.

**2.2** The Local Plan for Cheshire East will consist of three key documents. These are:

- The Local Plan Strategy which identifies the overarching objectives, policies and will identify strategic sites and locations for development;
- The Site Allocations and Development Policies Document which will allocate the remaining sites for future development and provide detailed policies to be used when considering planning applications for new development across the Borough; and
- The Minerals and Waste Development Plan Document which will set out policies for dealing with Minerals and Waste and identify specific sites.

**2.3** The Local Plan will be supported by a Policies Map which will show how policies will apply across the area.

**2.4** Supplementary Planning Documents may also be prepared to provide guidance on the implementation of key policies. The Council also intends to introduce the Community Infrastructure Levy set out through a Charging Schedule, developed and implemented through 2016/2017.

**2.5** Transitional arrangements allow for the policies in the adopted Local Plans of the former constituent Local Authorities to be 'saved' until they are reviewed as part of the Local Plan. Directions were issued by the Secretary of State to 'save' certain policies of the Congleton, Crewe and Nantwich and Macclesfield Local Plans.

### 3 Schedule of Development Plan Documents

Title	Description	Geographic Coverage	Key Policy context	Local Plan Preparation (Reg 18)	Publication	Submission	Pre-Examination meeting	Independent Examination	Inspector's Report	Adoption
Local Plan Strategy DPD	Vision, Objectives and strategy for the spatial development of the area, and includes strategic sites and strategic development policies.	Cheshire East outside the National Park	NPPF, NPPG and National Planning Policy for Waste	April 2009 to March 2014	March / April 2014	May 2014	July 2014	September 2014	1st Quarter 2017	2nd Quarter 2017
Site Allocations and Development Policies DPD	Detailed policies and site allocations.	Cheshire East outside the National Park	NPPF, NPPG and the Local Plan Strategy	4th Quarter 2016 to 1st Quarter 2018	1st Quarter 2018	2nd Quarter 2018	2nd Quarter 2018	2nd Quarter 2018	4th Quarter 2018	4th Quarter 2018
Minerals and Waste Development Plan Document (1)	Policies for dealing with minerals and waste and the identification of specific sites for minerals / waste management.	Cheshire East outside the National Park	NPPF, NPPG, Local Plan Strategy, National Planning Policy for Waste, National Waste Management Plan for England	4th Quarter 2016 to 1st Quarter 2018	1st Quarter 2018	2nd Quarter 2018	2nd Quarter 2018	2nd Quarter 2018	4th Quarter 2018	4th Quarter 2018

**Table 3.1 Schedule of Development Plan Documents**

1 Since the 2014-2016 Local Development Scheme, the Council has decided to include Minerals with the Waste Development Plan Document





## Appendix 1 Glossary of Terms

<b>Adoption</b>	The final approval of a Local Plan document by the Council after the document has been through all of the stages in its preparation including independent examination. Once a Local Plan document has been adopted it becomes part of the statutory development plan which is the starting point for making planning application decisions.
<b>Community Infrastructure Levy (CIL)</b>	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
<b>Development Plan</b>	This comprises all of the Local Plan documents that have been adopted. The development plan is, by law, the starting point for making planning application decisions.
<b>Independent Examination</b>	This is the process by which a Local Plan document is independently assessed by a Planning Inspector. It involves a round table discussion into whether the Local Plan document has met all of the relevant legal requirements and meets the tests of 'soundness' as set out in the NPPF (positively prepared, justified, effective and consistent with national policy)
<b>Inspector's Report</b>	This follows the examination of the Local Plan document. It sets out the Inspector's conclusions about whether the Local Plan document has met all the relevant legal requirements and is 'sound' (positively prepared, justified, effective and consistent with national policy). It is accompanied by a schedule of recommended Main Modifications - amendments that the Inspector considers need to be made to the Local Plan document to address any legal and/or 'soundness' issues.
<b>Local Plan</b>	This is the plan that guides the scale, type and location of development across the borough. It also includes policies to achieve good design, safeguard the environment, promote well-being and achieve economic and housing growth. It is drawn up by the Council, informed by public consultation and scrutinised through independent examination.
<b>Local Plan Preparation (Reg 18)</b>	This stage involves evidence gathering and initial public consultation to obtain feedback on emerging policy options and proposals.
<b>Local Development Scheme (LDS)</b>	A programme setting out the Local Plan documents that the council intends to prepare and when.
<b>National Planning Policy Framework (NPPF)</b>	This is the Government's national planning policy, published in 2012. Local Plan documents should be consistent with national planning policy.



<b>Publication</b>	This is the stage at which the Council publishes its full, final draft of the Local Plan document for six weeks public consultation. It should be the version of the document that it intends to submit for examination.
<b>Submission</b>	This follows the publication stage and is the point at which the Local Plan document is formally submitted for independent examination by a Planning Inspector.
<b>Supplementary Planning Document (SPD)</b>	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.